

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey B. Miller

Art Unit : 1636

Serial No. : 09/909,237

Examiner : D. Sullivan

Filed : July 19, 2001

Title : MOLECULAR MARKER FOR MUSCLE STEM CELLS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed March 22, 2004, Applicant elects the invention of Group II, drawn to the embodiment of claims 25-36, 39, 50 and 53. The election is made without traverse. The Examiner states that "[a]n election to prosecute Group II should include election of either the cell comprising the stem cell active promoter of claims 27-28 or a single protein encoding sequences from claim 31" (Office Action, page 3, emphasis added). Applicant further elects the species of a stem cell active promoter of claims 27-28. Claims 25-36, 39, 50 and 53 read on the elected species.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Carrie A. Amonte

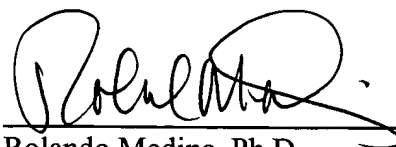
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Attorney's Docket No.: 08472-720003 / MGH-1176.2
Miller - Cont.

No fees are believed due. Please apply any charges or credits to Deposit Account
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Respectfully submitted,

Date: 16 APRIL 2004



Rolando Medina, Ph.D.
Reg. No. 54,756

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

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